

Message Text

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ORIGIN AEC-11

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TO AMEMBASSY TOKYO PRIORITY

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TAGS: TECH

SUBJ: ABCC

REF: TOKYO 12006

1. RE PARA LA OF REF RELATING TO ARTICLE 21-2 OF ACT OF ENDOWMENT.
U.S. RATIONALE IS AS FOLLOWS: THERE WILL BE 10 DIRECTORS, 5 U.S.
AND 5 JAPANESE. ARTICLE 21 STATES THAT THE BOARD OF DIRECTORS SHALL
NOT BE ABLE TO TRANSACT BUSINESS AND MAKE DECISIONS UNLESS AT
LEAST TWO-THIRDS (2/3) OF THE BOARD MEMBERS ARE PRESENT. THUS, THE
BOARD COULD CONDUCT BUSINESS WITH SEVEN MEMBERS PRESENT (E.G. 5 U.S.
AND 2 JAPANESE MEMBERS). ARTICLE 21-2 SAYS THAT DECISIONS AT A
MEETING OF THE BOARD SHALL BE MADE BY 2/3 MAJORITY AFFIRMATIVE
VOTE OF THE BOARD MEMBERS PRESENT, CONCEIVABLY ENABLING THE
5 U.S. MEMBERS PRESENT TO MAKE ALL OF THE DECISIONS.

2. RE PARA LB. SINCE JAPANESE PREFERENCE IS, INDEED, SIMPLY A
MATTER OF STYLE, WE ARE WILLING TO ACCEPT THEIR FORMAT.

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E. RE PARA LE. WE BELIEVE MATSUURA'S SUGGESTION OF THE

ADDITION OF THE PHRASE "NOTWITHSTANDING THE PROVISION OF ARTICLE 21" IS A GOOD ONE AND AGREE TO ITS INCLUSION.

4. RE PARA IF. WE DO NOT UNDERSTAND WHY IT MIGHT BE DIFFICULT TO APPLY THIS IN PRACTICE FOR FOLLOWING REASON. THERE WILL BE 5 E.S. AND 5 JAPANESE MEMBERS OF THE BOARD. AT THE TIME OF ESTABLISHMENT OF THE INSTITUTE 5 MEMBERS WOULD SERVE FOR 2 YEARS (E.G. 3 JAPANESE AND 2 U.S.) AND 5 MEMBERS WOULD SERVE FOR 4 YEARS (E.G. 2 JAPANESE AND 3 U.S.). ARTICLE 16-1 PROVIDES THAT 4 MEMBERS, THE CHAIRMAN, VICE CHAIRMAN AND 2 PERMANENT DIRECTORS SHALL SERVE FOR 4 YEARS. THEREFORE, AT THE TIME OF ESTABLISHMENT OF THE INSTITUTE, THE CHAIRMAN, VICE CHAIRMAN AND 2 PERMANENT DIRECTORS COULD BE ELECTED FROM AMONG THE 5 DIRECTORS APPOINTED FOR PERIODS OF 4 YEARS. IF WE ARE MISSING THE POINT, WE WOULD APPRECIATE CLARIFICATION.

5. RE PARA 2 - WE LOOK FORWARD TO SEEING MATSUURA ON SEPTEMBER 27 AEC'S 1717 H STREET OFFICE. WE WILL ARRANGE MEETING WITH DONOWAKI AS REQUESTED. INGERSOLL

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